THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16089 of 2005

Between:

Sri S. Venkataiah Goud, S/o. S. Vasudev, Dealer of F.P.Shop at Polepally Vill, Jadcherla Mandal, Mahaboobnagar District.

..... PETITIONER

AND

1 The Director of Civil Supplies, Civil Supplies Bhavan, Govt of A.P.,

Somajiguda, Hyderabad.
2 The Joint Collector, Mahaboobnagar District, Mahaboobnagar.
3 The Revenue Divisional Officer, Mahaboobnagar Division,

Mahaboobnagar District.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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ORDER:

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The writ petitioner is the authorized dealer of the fair price shop of Polepally village, Jadcherla Mandal, Mahaboobnagar District. By order dated 18.2.2005 passed by the Collector, Mahaboobnagar District, a new fair price shop i.e., shop No.2 at Polepally village was established by bifurcating the existing fair price shop No.1, held by the writ petitioner. Consequent to the said order, the new shop was allotted 302 cards i.e., 231 white cards, 53 pink cards and 18 AAY cards, whereas the petitioner was left with 341 cards. Aggrieved by the said order, the petitioner preferred an appeal before the 1st respondent-Director of Civil Supplies, A.P.,Hyderabad.

The contention of the petitioner before the appellate authority was that the order of bifurcation dated 18.2.2005 was not in accordance with the guidelines prescribed under G.O.Ms.No.53 as well as the provisions of the A.P. State Public Distribution System (Control) Order, 2001.

The 1st respondent-Director of Civil Supplies, having considered the material on record, dismissed the said appeal, holding that the impugned bifurcation was in accordance with law. The said order is under challenge in this writ petition.

The learned counsel for the writ petitioner vehemently contended that by virtue of the impugned bifurcation, the petitioner fair price shop had been rendered economically unviable. The learned counsel also contended that no ration was being supplied on pink cards and the income out of the white cards, which are left with the petitioner, would not be sufficient for the survival of the petitioner.

The very same contentions were raised by the petitioner before the 1st respondent-appellate authority. The 1st respondent having heard both parties found that in Polepally village the population is 4,470 and 643 house hold supply cards are in circulation and that the Polepally Gram Panchayat vide resolution dated 11.6.2004 resolved that there is need for a second fair price shop. So far as the contention of the petitioner that the existing shop has been rendered unviable, the 1st respondent held that since kerosene was being supplied on pink cards and the fair price shop dealers were also permitted to supply all the commodities under Gruhamitra Scheme to increase the viability of fair price shop, the contention of the petitioner was untenable.

In the light of the findings recorded by the 1st respondent-appellate authority, particularly having regard to the Government instructions vide Memo dated 26.7.1991 that for every 1650 population, a fair price shop has to be opened, I do not find any substance in the contentions raised by the petitioner. The orders impugned which are in accordance with law do not warrant interference.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

02.02.2006

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